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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,403	11/13/2000	Kenneth Charles Cox	4366-67	7629
7590	05/17/2005		EXAMINER	
SHERIDAN ROSS P.C.			AMINI, JAVID A	
Douglas W. Swartz 1560 Broadway Road Suite 1200 Denver, CO 80202			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 05/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/711,403	COX ET AL.
	Examiner	Art Unit
	Javid A Amini	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 November 2004.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7,10-13,15-23,25-27,35-44 and 47-49 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Response to Arguments

Applicant's arguments filed 11/29/2004 have been fully considered but they are not persuasive.

Applicant on page 13 second paragraph argues that the office 2000 fails to teach the selection of a range of values in an existing chart over which a graphically displayed function is to be edited and outside of which no edition is performed but also the use of user manipulable affordances in the existing chart to effect the editions.

Examiner's reply: Applicant fails to describe the properties of the terms "user manipulable affordances" in order to have unambiguous arguments. Applicant requires pointing out where exactly the affordances are in the claim language?

Applicant at the same paragraph on page 13 argues that the reference fails to state what options are changed and previewed or how the options are selected.

Examiner's reply: Re. to Applicant's affordances, Office2000 on pages 609-613 discloses and illustrates different options, for example: in fig. 24.7 user have different option to select the chart type. The right side of fig. 24.7 illustrates the previews of the charts. In fig. 24.8 verifying the range in the data range tab. In fig. 24.9 verifying the data series in the series tab, and so on. The cited reference office2000 states exactly what options or changes are selected. Office2000 on page 612 discloses options such as adding, deleting, reordering data series for the user.

Applicant at the bottom of page 13 and at the top of page 14 argues the cited reference office2000 does not discuss selectively editing an existing chart over only an existing range of the chart.

Examiner's reply: the absolute cell references consider one of the user manipulable affordances.

Applicant on page 14 third paragraph argues that the Examiner does not show a graphical image can be changed directly over some values but not others by selecting an editing function.

Examiner's reply: Office2000 on page 612 under "editing and formatting charts" explicitly specify the steps. Applicant argues a graphical image can be changed directly over some values but not other by selecting an editing function. Examiner's reply: It is well known in the art about worksheets and their applications that it is not practical to put all the information in one large workbook (i.e. known by Excel application), because many people would need to use the workbook at the same time. Instead, the managers link the workbooks together; therefore, if one updates one of the workbooks, automatically it'll update that information in other workbooks thru links of workbook to workbook or one cell to another cell(s). Again it is inherent to change the graphical image directly over some values. Applicant requires emphasizing about the term "directly" in the argument.

Applicant at the bottom of page 14 argues the added data series are not existing values of the graphical image. Also argues the second graphical image does not include both changed and unchanged parts of the first graphical image over existing value ranges.

Examiner's reply: It's inherent, because a person skilled in the art designates a new series (for example in fig. 12.12) below the Phoenix or Reno as a changed or unchanged parts of the first graphical image over existing value ranges.

Examiner suggestion: Encourages Applicant to schedule an interview to discuss the main differences between the claim invention and the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 10-13, 15-23, 25-27, 35-44, and 47-49 rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft Office 2000 professional edition (G. Courter; A. Marquis, dated 1999), hereinafter referred as an Office2000).

1. Claim 1.

Office2000 on pages 589-602 in figs. 23.4, 23.5, 23.8, 23.9, 23.11 and 24.1 teaches the step of, “a display device, and a display controller operable to display a first graphical image of tabular data and, while the user is viewing the first graphical image, accept a user selected range of values for editing of the first graphical image, wherein the range of values are included within the first graphical image” (applicant discloses on page 3 first paragraph in the specification the definition for the “display controller” as follows: The display controller and display device operate in concert to display graphical, diagrammatic, images that are representative of numerical, tabular data. Additionally, the interactive display system may be configured to create or modify data tables and the data tables may be used. Also Applicant on page 6 lines 3-5 discloses that the automated system may include a computer and/or a combination of hardware and software developed.) The combination of hardware and software and/or a general computer is inherent. A display controller that controls the graphical and the display is integrated with micro-controller(s). By using C and Assembly language a person skilled in the art would have

programmed a micro-controller to develop a combination of hardware and software. Office2000 illustrates specifically the description of the display controller and display device in fig. 24.7 on page 609. Office2000 in figs. 24.5 and 24.6 illustrates the first graphical image of the tabular data in fig. 24.1 in the form of a bar chart and a stacked chart, accept a user selected editing function from among a plurality of possible editing functions, see Office2000 on page 591 in fig. 23.5 selecting or entering functions from function box menu, and alter the first graphical image to produce a second graphical image, Office2000 on page 592 in figs. 23.6 and 23.7 illustrates different function, for example the first graphical image in fig. 24.5 represents the tabular data in fig. 23.8 under total of ticket sales of first quarter. Office2000 on page 614 figs. 24.12 illustrates adding data series to the first graphical image to create a second graphical image and also by adding more data series to the first and/or to the second graphical images the third and so on graphical images will be created. A user could be selecting the total sales for the first graphical image (example in the fig. 24.12 is Reno), and also could select to calculate average or percentages (mathematical equations) of the sales in fig. 23.8 to create a chart or graphical image data. As Applicant claims: "Wherein the second graphical image comprises at least one unaltered portion of the first graphical image outside of the selected range and an altered portion of the first graphical image within the selected range, the altered portion being derived from the editing function, wherein the display controller is configured to display the editing function as a editing option referencing a mathematical equation and permit a user to edit the tabular data by selecting the displayed editing function to be applied to the data display element, first and second graphical images comprises a series of tabular data points displayed as a diagram depicting successive changes in the value of a selected variable associated with the tabular data".

Office2000 on page 614 in fig. 24.12 illustrates a tabular data and graphical representation for first quarter ticket sales. As an example: the first graphical image is represented by Reno (shown sales \$90 for March, \$87 for Feb., and \$93 for Jan.) and on the second graphical image that is corresponded to the Reno (unaltered in respect to the first graphical image) and Phoenix sales. By applying a mathematical equation that illustrates on page 590 of Office2000, a user would have edited the tabular data on page 614 to display the data image in different format (meaning: addition, subtraction, multiplication, division, percentages and etc.).

2. Claim 2.

The step is inherent because Office2000 in fig. 24.7 teaches the step of, “wherein each of the first and second graphical images is a line chart”.

3. Claim 3,

The step is inherent because Office2000 in fig. 24.7 teaches the step of “wherein each of the first and second graphical images is a stacked bar chart”.

4. Claim 4.

The step is inherent because Office2000 on page 613 discloses adding a data series “wherein the controller is configured to permit a user to edit the tabular data by adding a data display element”.

5. Claim 5.

The step is inherent because Office2000 on page 606 in fig. 24.5 illustrates three different graphical images in bar chart type, a user could select a line chart graphical image from fig. 24.7. “wherein the added data display element within the second graphical image is a second line within a line chart, wherein the first graphical image is a first line within the line chart”.

6. Claim 6.

The step of “wherein the added data display element is a first bar within the second graphical image in a stacked bar chart and wherein the first graphical image is a first bar within the stacked bar chart”, is inherent because Office2000 illustrates in fig. 24.6 the stacked chart.

7. Claim 7.

The step is inherent because by selecting a different function for each row, a user could be displaying altered data versus unaltered data series. “wherein the controller is further operable to alter the first graphical image to produce a third graphical image, wherein the third graphical image comprises at least an unaltered portion of the first graphical image and an altered portion of the first graphical image derived from a second editing function and wherein the selected editing function in step 1 and the second editing function are applied to the first graphical image over an overlapping range of values and simultaneously display the second and third graphical images to the user to permit the user to select between the second and third graphical images”.

8. Claim 10.

The step is inherent because, Office2000 on page 590 discloses the limitation in claim 10.

9. Claim 11.

See previous rejection.

10. Claims 12 and 13.

See rejection of claims 2 and 3.

11. Claim 35.

Office2000 on page 660 using the pivotable wizard is one type of simulator configured to receive data.

12. The rejection of claims 15-23, 25-27, 36-44, and 47-49 are similar to the rejection of claims 1-7, 10-13 and 35. One of the function options in the Office2000 is updating links, meaning, source workbook is depended to other workbook in the database see office2000 on page 681-691.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid Amini


Javid Amini
PRIMARY EXAMINER

Javid A Amini
Examiner
Art Unit 2672